extension of the class of public callings and hence of state interference. But our law must come more and more in every department to just such flexible conceptions as this. Abstract hard and fast categories seldom have much relation to actual conditions to which law is to be applied. If cases are crammed into them with logical rigor, injustice results. If the severity of logic is relaxed, our hard and fast dogmas achieve nothing; we have one law in the books and another, or sometimes none, in practice. Such subjects as the one in hand, involving economic and social questions at so many points, require a few clear principles rather than a mass of rigorous rules, if the law is to deal with them effectively. As to the other point, perhaps the limitation to cases of necessity will meet reasonable objections. In case of natural monopoly, the author points out that the basis is public need. "This extraordinary activity of the state on behalf of the individual," he says, "is . . . confined to necessary services." It is true this also is a very flexible criterion. But so are many of the most useful doctrines of our law. Such conceptions as reasonable time are worth a multitude of sharply drawn rules. Moreover flexible principles such as those in question appear to stand the test of application to every phase of the subject throughout the book.

Lawyers and students of American legislation will agree, no doubt, in approving the author's insistence upon the sufficiency of the common law for the whole subject of public callings. The affirmative duties which the common law imposes upon those engaged in these callings, if enforced, would clearly meet every reasonable requirement. But the common-law machinery for enforcing these duties has proved cumbrous and ineffective. Assuming mistakenly that the law was inadequate, legislators have multiplied statutes on matters of substance which have achieved little because directed to the wrong point. Indeed, they have added difficulties of interpretation to difficulties of enforcement and application already existing. It is not too much to say, as the author says, that "the common law is adequate to deal with all real industrial wrongs," provided we address ourselves vigorously and intelligently to the difficult problem of enforcement. Until we do this, eulogy of the common law will be lost upon an impatient public.

The work of preparing an adequate treatise upon so large a subject under American conditions, which require a canvassing of the huge annual judicial output of some fifty jurisdictions, may well give pause to one who would think about cases as well as collect them. Hence the author need not remind us that he has been hurried in producing his book at this period in the development of the subject. Undoubtedly it is of advantage to have such a work today rather than tomorrow or the day after. And yet one can only regret that so good a book should have to go forth with so many marks of hasty preparation. A style at times very colloquial, *naïvetés* such as the statements in the preface that the author has "had a policy of a sort" in choosing the cases to be cited and that he is "rather proud" of his analysis, and repetitions of the same matter in the very same words in different connections (*e. g.* preface, p. vi, repeated in § 35, preface, p. viii, repeated in § 42, the paragraph at the bottom of p. ix, repeated in part on p. 29), are easily accounted for by the exigencies of dictation, but are regrettable blemishes upon a performance which in other respects is admirable. R. P.

LAW OF REAL PROPERTY: Chiefly in Relation to Conveyancing. By Henry William Challis. Third edition, by Charles Sweet of Lincoln's Inn. London: Butterworth and Company. 1911. pp. xlv, 524.

Of all English writers on the law Mr. Challis most resembles Littleton. In both we find a mathematical exactness and an absence of every unnecessary word, coupled with a limpid, and one may almost say a flowing, style.

Compare the present book with Leake's Land Law, — an admirable book, but reading it is like reading a digest.

No better model of legal style could be studied by American lawyers and judges, for verbosity is a fault to which both bench and bar, taking the country at large, have been addicted, and Mr. Challis will show them how to be concise without being crabbed.

The book covers a very narrow field, and one very uninteresting to the general reader; but even the general reader will feel the attraction there is in seeing the master of any subject doing his best, and putting forth his full power at every point. We have no doubt that Mr. Challis was justified in speaking of the pains it cost him to frame his sentences.

Mr. Challis treats only of the law as it is. Obsolete law he deals with only so far as it is necessary to explain existing law.

His starting point seems to be about the end of the fifteenth century. Since that time the law has been changed by statutes, and with these Mr. Challis of course deals. He is very chary of admitting that the original common law could be modified without statute.

The modern English statutes have profoundly altered the common law, much more than statutes in this country have done, and on different lines. We therefore advise the American reader to examine only cursorily Mr. Challis's remarks on the late English statutes, or to skip them altogether. The rest of the book cannot be too closely studied.

Mr. Challis, as we have said, omits obsolete law; but he delights in legal rarities, which, though they seldom or never occur in practice, may yet be theoretically possible. In Chapter XIX the topic of Qualified Fees Simple he rolls like a sweet morsel under his tongue, and one feels his regret that the "very curious and entertaining" law of remitter is obsolete (p. 90). Mr. Challis's mathematical turn of mind is shown in his working out (p. 372) the formula for determining the series of accruing shares in the case of cross remainders.

If Mr. Challis has taken Littleton for his model, it is fortunate that Mr. Sweet has not taken Lord Coke for his. He has not overlaid and swamped the text of his author with comment, but has wisely confined his judicious annotations to instances where they were really called for. Many of them will be found helpful; see, for instance, the suggestive note (p. 167) on the probable origin of the Rule in Shelley's Case.

Mr. Sweet is, as all editors ought to be, in sympathy with his author's general trend of thought; but his admiration is not servile. He sometimes doubts Mr. Challis's conclusions, for instance on determinable fees (p. 437), and on the right of the donor to the land of a dissolved corporation (p. 467).

The principal independent additions that Mr. Sweet has made are: On Corporeal and Incorporeal Hereditaments (p. 48); on Dignities and Titles of Honour (p. 468); and on the Rule against Perpetuities (pp. 205 *et seq.*, 472).

Mr. Sweet, as is well known, is a strenuous *fautor* of the view that contingent remainders are not subject to the Rule against Perpetuities, but to an independent rule which prevailed at common law before the Rule against Perpetuities was invented; namely, that you cannot limit a contingent remainder to the child of an unborn person after a life estate to such person.

There are two arguments for the existence of such an independent rule: First, that it is actually given in the old books; second, that it is a necessary consequence from the un-non-barrableness (if we may invent such a Germanic word) of fees tail. Mr. Sweet has dealt in other writings with the first argument; in this edition of Mr. Challis he confines himself, so far as we have observed, to the second.

This is not the place for a discussion of the question, but whether one agrees with Mr. Sweet or not, he is the ablest living advocate of his side of the case, and his views deserve the most careful consideration. J. C. G.